

Update: Criminal Procedure Monograph 6—Pretrial Motions (Third Edition)

Part 2—Individual Motions

6.28 Motion to Suppress the Fruits of an Illegal Seizure of a Person

Discussion

Insert the following text after the next to last paragraph on page 72:

Reasonable suspicion that a person has engaged or is engaging in criminal activity may properly be based on a tip from an anonymous caller, where there is sufficient police knowledge of the identity of the caller to render the call reliable. *United States v Long*, ___ F3d ___ (CA 6, 2006).

In *Long*, the police stopped defendant as he approached the freeway in his truck, after receiving a tip from an anonymous caller advising that a burglary was in process and describing a vehicle similar to defendant's and containing items similar to those observed in the back of defendant's truck. The defendant brought a motion to exclude the evidence seized from the back of his truck as fruits of an illegal seizure of a person. The trial court denied this motion, finding that the police had reasonable suspicion to conduct an investigatory stop of defendant. The defendant then pled guilty, reserving the right to appeal the denial of his motion to suppress. *Id.*

The Court of Appeals affirmed the trial court's ruling. The Court noted that the call upon which the police based their stop of the defendant was more akin to a call from a known citizen than a call from an anonymous tipster, because the police were aware of the address at which the caller lived and actually pulled up in front of the caller's house while the call was still ongoing. The Court accordingly found that the call was sufficiently reliable to provide the police with reasonable suspicion to conduct an investigatory stop of defendant.

Part 2—Individual Motions

6.37 Motion to Suppress Evidence Seized Without a Search Warrant

1. Searches of Automobiles for Evidence

Insert the following text after the partial paragraph at the top of page 102:

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